

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NCS MULTISTAGE INC.

§

Plaintiff,

§ CIVIL ACTION NO. 6:20-cv-00622-ADA

vs.

§

TCO AS
TCO PRODUCTS INC.
ARSENAL INC.

§

§

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§

Defendant.

PLAINTIFF NCS'S NOTICE OF READINESS IN PATENT CASE

Pursuant to Judge Albright's Standing Order Regarding Notice of Readiness in Patent Cases dated August 7, 2019, Plaintiff NCS Multistage Inc. ("NCS"), by and through its undersigned counsel, hereby notifies the Court that this case is ready for an initial Case Management Conference. NCS states as follows:

- Defendant TCO Products Inc. ("TCO US") filed a Motion to Dismiss for Improper Venue. Dkt. 21.
- Defendant TCO AS ("TCO Norway") submitted a Declaration in support of Motions to Dismiss it intends to file once it is served under the Hague Convention. *See* Dkt. 21-1 at ¶ 2 ("I make this declaration in support of...TCO AS's Motion to Dismiss Pursuant to Rules 12(b)(2), (3), and (6).").
 - TCO Norway has not yet been served because it insists on service under the Hague,¹ even though TCO Norway (i) is the parent company of and shares

¹ TCO Norway would only agree to waive service through the Hague if NCS provided TCO US, who had already been served, a total of 90 days to answer the Complaint.

officers with TCO US, (ii) has been aware of the allegations in NCS's Complaint since December 2019, (iii) flew its Chief Executive Officer Nils-Petter Sivertsen from Norway to the US to meet with NCS for an early resolution, (iv) has the same counsel as TCO US, the Polsinelli Law Firm, (v) filed a Post-Grant Review challenging the validity of the Asserted Patent (United States Patent No. 10,465,445), and (vi) filed a declaration in this suit disputing the jurisdictional allegations in NCS's Complaint. TCO Norway is undeniably on notice of the claims against it and can only be insisting on service under the Hague to delay this case.

- Defendant Arsenal Inc. ("Arsenal") filed a Motion to Dismiss for Improper Venue and for Naming an Improper Party. Dkt. 22. Arsenal, seemingly in concert with TCO, has also unnecessarily delayed this case. NCS agreed to a 30-day extension for Arsenal to respond to the Complaint. Fifty-one days after accepting service of NCS's Complaint, Arsenal filed its motion to dismiss notifying NCS for the first time that it had sued the wrong corporate entity.
- There are no other pending motions before the Court.
- There are five related cases pending in this Court:
 - *NCS Multistage Inc. v. Nine Energy Service, Inc.*, Civil Action No. 6:20-cv-00277-ADA.
 - *NCS Multistage Inc. v. Summit Casing Services, LLC*, Civil Action No. 6:20-cv-00735-ADA.
 - *NCS Multistage Inc. v. Allamont Tool Company, Inc.*, Civil Action No. 6:20-cv-00699-ADA.

- *NCS Multistage Inc. v. Packers Plus Energy Services Inc. et al.*, Civil Action No. 6:20-cv-00700-ADA.
- *NCS Multistage Inc. v. Permian Petrolink, LLC.*, Civil Action No. 6:20-cv-00701-ADA.

Dated: September 4, 2020

Respectfully submitted,

/s/ Domingo M. LLagostera
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**ATTORNEYS FOR PLAINTIFF NCS
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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record were electronically served with a copy of the foregoing on September 4, 2020 via the Court's CM/ECF system.

/s/ Domingo M. LLagostera

Doming M. LLagostera